IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5827 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KUMAR ADITYA SARABHAI MINOR

Versus

GUJARAT SECONDARY EDUCATION BOARD

Appearance:

1. Special Civil Application No. 5827 of 1997
M/S TRIVEDI & GUPTA for the Petitioner
MR MC BHATT for Respondent No. 1
Respondent No. 2 served.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/02/2003

ORAL JUDGEMENT

The petitioner before this Court, a minor, has

preferred the present petition under Article 226 of the Constitution of India through his guardian Shri Virendrabhai Sarabhai.

The petitioner had taken the examination of Standard XII (Science Stream) conducted by the Gujarat Secondary Education Board, the respondent no.1 herein (hereinafter referred to as 'the Board') in the month of March, 1997. The petitioner passed the said examination but, according to him, the petitioner had received marks in the subject of Mathematics much less than expected. Upon his application for rechecking, under communication dated 4th July, 1997, the petitioner was informed that his marks in the subject of Mathematics was rechecked and there was no change in the sum total. Feeling aggrieved, the petitioner has preferred the present petition.

The petitioner has claimed that his answer books be reassessed and proper marking be made.

On 20th August, 1997, this Court (Coram : R.K.Abichandani, J.) had made order as under :

"Rule. Matter to come up for final hearing on 8th September, 1997.

In the meantime, since it is the grievance of the petitioner after seeing the answer book that no marks are given for correct steps in answer to question 5(c), the respondent Board will examine that aspect of the matter and if assessment is not done of any step of that answer, necessary steps may be taken in view of the ratio of the decision of this Court in Special Civil Application No.5177/96 decided by my esteemed brother Hon'ble Mr.Justice Rajesh Balia on 6.9.1996, at the earliest, preferably not later than 30th August, 1997. Direct service permitted."

I am of the opinion that the above order shall redress the grievance made by the petitioner. Hence, the petition is allowed in terms of the above order. Rule is made absolute accordingly. There shall be no order as to costs.

(Ms. R.M. Doshit, J.)

/sakkaf